MONTANA ADMINISTRATIVE REGISTER

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The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 438-6122.

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BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
OFFICE OF THE MONTANA STATE AUDITOR

In the matter of the amendment of ARM 6.6.6006 pertaining to Bail Bond Documents	)))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On July 20, 2023, at 9:00 a.m., the Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI) will hold a public hearing in the basement conference room of CSI, at 840 Helena Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. CSI will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact CSI no later than 5:00 p.m. on July 5, 2023, to advise us of the nature of the accommodation that you need. Please contact Sam Loveridge, Communications Director, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3413; TDD (406) 444-3246; or e-mail csi@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

6.6.6006 BAIL BOND DOCUMENTS (1) through (4) remain the same.

(5) A surety bail insurance producer who effects an arrest or surrender pursuant to 46-9-510, MCA, shall notify CSI in writing of the arrest or surrender within seven business days.

(a) The written notice of arrest shall provide the following information:

(i) full name of the principal/defendant arrested;

(ii) criminal court case number and county for which the principal's/defendant's bail bond was posted;

(iii) dollar amount of the principal's/defendant's bail bond;

(iv) address or precise location, date, and time of arrest;

(v) name, license number, and contact information of the producer who effected the arrest;

(vi) description of probable cause for the arrest;

(vii) surrender location, date, and time (if known);

(viii) local sheriff's office or police department that the producer notified of the intent to apprehend the principal/defendant, including the date and time of the notice;

(ix) local sheriff's office or police department that the producer notified after the arrest of the principal/defendant, including the date and time of the notice;

(x) an explanation if the notice of apprehension was less than 6 hours before the arrest or if the notice of arrest was not immediately after the arrest;

(xi) producer signature, contact information, and license number of the producer completing the form.

(b) The form for providing the foregoing notice, a Surety Bail Bond Insurance Producer Arrest and Surrender Report, is available on the website of CSI.

AUTH: 33-26-108, MCA
IMP: 33-17-1001, 33-17-1102, 33-18-213, 33-26-108, 46-9-403, 46-9-510, MCA

4. REASON: The Commissioner of Securities and Insurance, Montana State Auditor, Troy Downing (commissioner) is the statewide elected official responsible for administering the Montana Insurance Code and regulating business of insurance. The 68th Montana Legislature passed House Bill 62, revising the laws related to bail bonds. In addition to requiring that producers provide a notification to local law enforcement before effecting an arrest, the bill amended 46-9-510, MCA, regarding the arrest and surrender of a defendant pursuant to Title 33, chapter 17, MCA, and requires that any arrest or surrender by a producer be reported in a form and manner to be determined by the commissioner. The information required to be reported by the above-proposed amendment will provide basic details about the arrest that would facilitate further investigation and compliance monitoring. Because the requirements for pre- and post-arrest notification to local law enforcement (HB 62, Section 3) are not effective until January 1, 2024 (HB 62, Section 11(1)), the commissioner will not require that the report to CSI include the information set forth in proposed (5)(a)(viii) through (x) prior to that date.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Sam Loveridge, CSI Communications Director, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3413; TDD (406) 444-3246; or e-mail CSI@mt.gov, and must be received no later than 5:00 p.m., July 28, 2023.

6. Ole Olson, CSI Chief Legal Counsel, has been designated to preside over and conduct this hearing.

7. CSI maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 5 or may be made by completing a request form at any rules hearing held by CSI.

8. An electronic copy of this proposal notice is available through the Secretary of State's website at http://sosmt.gov/ARM/Register.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on June 13, 2023.

10. With regard to the requirements of 2-4-111, MCA, CSI has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ *Ole Olson*
Ole Olson
Rule Reviewer

/s/ *Mary Belcher*
Mary Belcher
Deputy Auditor
Commissioner of Securities and Insurance,
Office of the Montana State Auditor

Certified to the Secretary of State June 13, 2023.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.12.102 and 24.12.107 and the repeal of ARM 24.12.101, 24.12.103, 24.12.104, 24.12.105, 24.12.106, 2412.108, 24.12.109, and 24.12.110 pertaining to the displaced homemaker program	)))))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT AND REPEAL

TO: All Concerned Persons

1. On July 13, 2023, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/j/87444134404
Meeting ID: 874 4413 4404, Passcode: 455174
-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 874 4413 4404, Passcode: 455174

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on July 6, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.12.102 ~~DISPLACED HOMEMAKER PROGRAM~~ DEFINITIONS As used in the subchapter, unless the context requires otherwise, the following definitions apply:

~~(1) "Act" means the Displaced Homemaker Act, 1983 Mont. Laws, Ch. 709.~~

(2) remains the same but is renumbered (1).

~~(3) "Employability development plan" (EDP) means a written plan for each participant which outlines the steps necessary to obtain unsubsidized employment.~~

~~(4)~~(2) "Participant" means an individual who is a Montana resident and who is determined eligible and is enrolled into any employment, training, or services program.

(5) remains the same but is renumbered (3).

~~(6) "Placement" means the act of securing unsubsidized employment for or by a participant.~~

~~(7) "Program" means a multipurpose service program established by the commissioner to serve displaced homemakers.~~

~~(8)~~(4) "Underemployed individuals" means:

(a) persons who are working part time but seeking full time work; ~~or~~

(b) persons who are working full time but whose current annualized wage rate is not in excess of "for a family of one" the higher of either:

(i) the poverty level~~,~~; or

(ii) 70 percent of the lower living standard income level~~.~~; or

(c) persons licensed, or seeking licensure, as pediatric complex care assistants who have fully or partially exited the job market because of the need to care for a child.

(9) remains the same but is renumbered (5).

~~(10) "Operational costs" mean the total budget to operate the state displaced homemaker program, including administration, training and services.~~

AUTH: 39-7-306, MCA
IMP: 39-7-301, 39-7-302, 39-7-303, 39-7-304, 39-7-305, 39-7-306, 39-7-307, 39-7-308, 39-7-309, 39-7-310, MCA

REASON: Reasonable necessity exists to amend this rule to remove definitions which were either not used or which duplicate statute and are therefore unnecessary. Reasonable necessity exists to include a new subsection for underemployed individuals to recognize that workers who exit the job market to care for children and seek to reenter it as a pediatric complex care assistant may be served by the displaced homemaker program. There is also reasonable necessity to strike the program name from the catchphrase because it is an archaic practice, no longer in line with rulemaking standards.

24.12.107 ~~DISPLACED HOMEMAKER PROGRAM,~~ ALLOWABLE ACTIVITIES (1) remains the same.

(2) Job counseling should consist of development of ~~an employability development plan~~ a plan outlining the steps necessary to obtain unsubsidized employment, identification of job barriers and skill assessment, and may also include testing, personal and career goal setting, and similar activities.

(3) Job training includes, but is not limited to, enrollment in a public or proprietary school or other institutional setting for pre-vocational or vocational instruction, and training to obtain a pediatric complex care assistant license.

(4) through (8) remain the same.

AUTH: 39-7-306, MCA
IMP: 39-7-304, 39-7-305, MCA

REASON: Reasonable necessity exists to amend (2) to account for removal of the EDP definition. This results in simpler, more concise rules, because the defined term was only used once in the rules. Reasonable necessity exists to amend (3) to clarify that PCCA training is an allowable use. There is also reasonable necessity to

strike the program name from the catchphrase because it is an archaic practice, no longer in line with rulemaking standards.

4. The rules proposed to be repealed are as follows:

24.12.101 DISPLACED HOMEMAKER PROGRAM PURPOSE

AUTH: 39-7-306, MCA
IMP: 39-7-302, MCA

REASON: There is reasonable necessity to repeal this rule because it is unnecessary to restate the purpose of the program in administrative rules.

24.12.103 DISPLACED HOMEMAKER PROGRAM, ADMINISTRATIVE ENTITIES

AUTH: 39-7-306, MCA
IMP: 39-7-308, MCA

REASON: Reasonable necessity exists to repeal this rule because it sets forth a business process which need not be specified in rule.

24.12.104 DISPLACED HOMEMAKER PROGRAM, CRITERIA FOR GRANTMAKING

AUTH: 39-7-304, MCA
IMP: 39-7-304, MCA

REASON: Reasonable necessity exists to repeal this rule because it merely sets forth that the department will engage in the procurement process to obtain services. The criteria for selection will be set forth in the request for proposal process, and the requirements of the proposal, broadly, are set forth in program requirements of rule and statute.

24.12.105 DISPLACED HOMEMAKER PROGRAM, GRADUATED FEE SCHEDULE

AUTH: 39-7-306, MCA
IMP: 39-7-306, MCA

REASON: Reasonable necessity exists to repeal this rule because it sets forth business process unnecessary to be stated in rule. To the extent it is substantive, current applicable process is set forth in other rules.

24.12.106 DISPLACED HOMEMAKER PROGRAM, ELIGIBILITY

AUTH: 39-7-306, MCA

IMP: 39-7-306, MCA

REASON: Reasonable necessity exists to repeal this rule in the interests of shortening and simplifying the administrative rules. The substance of this rule may be codified elsewhere.

24.12.108 DISPLACED HOMEMAKER PROGRAM, ANNUAL REPORT

AUTH: 39-7-306, MCA
IMP: 39-7-308, MCA

REASON: Reasonable necessity exists to repeal this rule because it is duplicative of statute.

24.12.109 DISPLACED HOMEMAKER PROGRAMS, FISCAL MANAGEMENT

AUTH: 39-7-306, MCA
IMP: 39-7-308(2), MCA

REASON: Reasonable necessity exists to repeal this rule because it places business process in administrative rule.

24.12.110 DISPLACED HOMEMAKER PROGRAM, EVALUATION

AUTH: 39-7-306, MCA
IMP: 39-7-308, MCA

REASON: Reasonable necessity exists to repeal this rule because it is outdated and places business process in administrative rule.

5. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., July 21, 2023.

6. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

7. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

10. Department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 13, 2023.

BEFORE THE ALTERNATIVE HEALTH CARE BOARD
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW RULES I through IV and the amendment of ARM 24.111.502, 24.111.503, 24.111.511, 24.111.610, 24.111.611, and 24.111.2301 pertaining to midwife prescribing	))))))	NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION AND AMENDMENT

TO: All Concerned Persons

1. On July 14, 2023, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/j/85900234101
Meeting ID: 859 0023 4101, Passcode: 914497
-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 859 0023 4101, Passcode: 914497

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on July 7, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. GENERAL REASONABLE NECESSITY: The 2023 Montana Legislature passed Senate Bill (SB) 100 (revise laws on naturopaths and natural substances; eff. 4/24/2023), House Bill (HB) 392 (generally revise midwifery laws; eff. 10/1/2023), and HB 655 (require Medicaid to cover midwife-attended home births; eff. 7/1/2023). Accordingly, the Alternative Health Care Board (board) determined it is reasonably necessary to amend several rules and adopt four new rules to implement the three bills. Specifically, the rule changes will establish requirements for midwives to expand their administration of prescription medications, outline circumstances constituting low risk for planned home births, and update education requirements and prescribing abilities for naturopathic physicians. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The proposed new rules are as follows:

NEW RULE I EDUCATIONAL REQUIREMENTS FOR ADMINISTRATION OF DRUGS (1) Midwives may become endorsed to obtain and administer prescription drugs per 37-27-302, MCA, by submitting an application that demonstrates the applicant either:

(a) holds the certified professional midwife (CPM) credential through MEAC accreditation (obtained after January 1, 2021); or

(b) completed both:

(i) an MEAC approved, pharmacology specific to midwives training course covering all drugs listed in the formulary of 37-27-302(2), MCA; and

(ii) an IV therapy course having a practical component that is:

(A) provided by the Montana Health Network;

(B) provided by MEAC; or

(C) another eight-hour course having a practical component.

AUTH: 37-1-131, 37-27-302, MCA
IMP: 37-1-131, 37-27-302, MCA

NEW RULE II OBTAINING, STORING, AND DISPOSING OF DRUGS (1) Endorsed midwives may obtain formulary drugs as allowed by law, including from:

(a) a person or entity licensed as a wholesale distributor by the Montana Board of Pharmacy; and

(b) a retail pharmacy, in minimal quantities for office use.

(2) Endorsed midwives must:

(a) store all formulary drugs in secure areas suitable for preventing unauthorized access and for ensuring a proper environment for the preservation of the drugs; and

(b) dispose of drugs using means that are reasonably calculated to guard against unauthorized access by persons and harmful excretion of the drugs into the environment. The means that may be used include, without limitation:

(i) transferring the drugs to a reverse distributor who is registered to destroy drugs with the U.S. Drug Enforcement Agency;

(ii) removing the drugs from their original containers, mixing them with an undesirable substance such as coffee grounds or kitty litter, putting them in impermeable, non-descript containers such as empty cans or sealable bags, and throwing the containers in the trash; or

(iii) flushing the drugs down the toilet if the accompanying patient information instructs that it is safe to do so.

(3) Endorsed midwives may carry drugs to the home setting while providing care within the course and scope of the practice of midwifery.

AUTH: 37-1-131, 37-27-302, MCA
IMP: 37-1-131, 37-27-302, MCA

NEW RULE III USE OF FORMULARY DRUGS (1) Endorsed midwives may use the drugs in 37-27-302(2), MCA, according to the following protocol describing the indication for use, dosage, route of administration, and duration of treatment:

Drug	Indication	Dose- in conformance ACOG guidelines	Route of Administration	Duration of Treatment
Oxygen	Maternal/Fetal Distress	10-12 L/min. 10 L/min.	Bag and mask Mask	Until maternal/fetal stabilization is achieved or transfer to hospital is complete
	Neonatal Resuscitation	10-12 L/min. 10 L/min.	Bag and mask Mask	Until stabilization is achieved or transfer to a hospital is complete
Oxytocin (Pitocin)	Postpartum hemorrhage only	10 Units/ml	Intramuscularly only	1-2 doses Transport to hospital required if more than two doses are administered
Lidocaine HCl 2%	Local anesthetic for use during postpartum repair of lacerations or episiotomy	Maximum 50 ml	Percutaneous infiltration only	Completion of repair
Penicillin G (Recommended)	Group B Strep Prophylaxis	5 million units initial dose, then 2.5 million units every 4 hours until birth	IV in ≥ 100 ml LR, NS or D_5LR	Birth of baby
Methegrine (Methylergonovine	Postpartum hemorrhage only	0.2mg/ml	Intramuscularly only 1 dose	Transport to hospital required if single dose

				does not stop hemorrhage
Ampicillin Sodium (Alternative)	Group B Strep Prophylaxis	2 grams initial dose, then 1 gram every 4 hours until birth	IV in ≥100 ml NS or LR	Birth of baby
Cefazolin Sodium (drug of choice for penicillin allergy with low risk for anaphylaxis)	Group B Strep Prophylaxis	2 grams initial dose, then 1 gram every 8 hours	IV in ≥ 100 ml LR, NS or D_5LR	Birth of Baby
Clindamycin Phosphate (drug of choice for penicillin allergy with high risk for anaphylaxis)	Group B Strep Prophylaxis	900 mg every 8 hours	IV in ≥100 ml NS (not LR)	Birth of Baby
Epinephrine HCl 1:1000	Treatment or post-exposure prevention of severe allergic reactions	0.3 ml	Subcutaneously or intramuscularly	Every 20 minutes or until emergency medical services arrive Administer first dose then immediately request emergency services
Lactated Ringer's (LR) **5% Dextrose in Lactated Ringer's solution (D_5LR)**	To achieve maternal stabilization	I - 2 liter bags First liter run in at a wide-open rate, the second liter titrated to client's condition	Intravenously As directed	Until maternal stabilization is achieved or transfer to a hospital is complete Birth of Baby

0.9% Sodium Chloride (NS) **Sterile Water**	Reconstitution of antibiotic powder	As directed		
Cytotec (Misoprostol)	Postpartum hemorrhage only	Up to 800 mcg	Rectally is the preferred method Orally is allowed	1-2 doses Transport to hospital required if more than one dose is administered
Rho(d) Immune Globulin	Prevention of Rho (d) sensitization in Rho (d) negative women	300 mcg	Intramuscularly	Single dose at any gestation for Rho (d) negative, antibody negative women within 72 hours of spontaneous bleeding or abdominal trauma. Single dose at 26-28 weeks gestation for Rho (d) negative, antibody negative women Single dose for Rho (d) negative, antibody negative women within 72 hours of delivery of Rho (d)

				positive infant, or infant with unknown blood type
Phytonadione	Prophylaxis for Vitamin K Deficiency Bleeding			1 dose
0.5% Erythromycin Ophthalmic Ointment	Prophylaxis of Neonatal Ophthalmia	1 cm ribbon in each eye	Topical	1 dose
Tranexamic acid	Postpartum Hemorrhage	1000 mg over 10 minutes given within 3 hours of birth	Intravenous	Initiate transfer after administering first dose. If bleeding continues after 30 minutes or stops and restarts within 24 hours after the first dose, a second dose of 1000mg may be given.
Terbutaline	Stop or prevent premature labor	As per direct order of a licensed physician	As per direct order of a licensed physician	As per direct order of a licensed physician

AUTH: 37-1-131, 37-27-302, MCA
IMP: 37-1-131, 37-27-302, MCA

NEW RULE IV CIRCUMSTANCES CONSTITUTING A LOW RISK OF ADVERSE BIRTH OUTCOMES (1) A low risk of adverse birth outcomes indicates a clinical scenario for which there is not clear demonstratable benefit for a medical intervention or transfer to a physician's care under ARM 24.111.610 or 24.111.611.

(2) Consultation with a physician as required by ARM 24.111.611(1)(a) does not preclude a low risk of adverse birth outcomes.

(3) Preexisting arrangements for emergency transportation to a nearby hospital if needed do not preclude a low risk of adverse birth outcomes.

AUTH: 37-1-131, 37-27-105, MCA
IMP: 37-1-131, 37-27-105, MCA

5. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.111.502 LICENSING BY EXAMINATION (1) ~~Applicants for naturopathic physician licensure by examination shall~~ Each application for licensure must include:

(a) ~~submit~~ a completed application ~~on a~~ form ~~furnished by the department together with the required fees~~;

(b) ~~submit three letters of reference, at least one of which must be from a licensed naturopathic physician, attesting to the applicant's good moral character~~ initial application fee;

(c) ~~cause the naturopathic medicine college which conferred an N.D. or N.M.D. degree on the applicant to submit an official transcript of the applicant's naturopathic medicine education directly to the board office~~ verification of the applicable education requirements; and

(d) ~~cause the interstate reporting service of the North American Board of Naturopathic Examiners (NABNE) to submit directly to the board office, evidence of the applicant's passing score on~~ proof of successful passage of the Naturopathic Physician Licensing Examination (NPLEX) as provided in (2).

(2) Except as provided in ~~(5),~~ (3), all applicants for naturopathic physician licensure in Montana must ~~either~~ have passed:

(a) ~~have passed:~~ Part I – Biomedical Science;

~~(i) all five individual basic science NPLEX examinations (Part I);~~

~~(ii) all eight individual clinical science NPLEX examinations (Part II) or passed the said Part II under the compensatory scoring model described in (3), prior to August 1, 2007;~~

~~(iii) the homeopathy NPLEX examination prior to February 1, 2008; and~~

~~(iv) the minor surgery NPLEX clinical examination; or~~

(b) ~~have passed:~~ Part II – Core Clinical Science;

~~(i) all five individual basic science NPLEX examinations (Part I);~~

~~(ii) the single integrated NPLEX Part II - Core Clinical Science Examination; and~~

~~(iii) the minor surgery NPLEX clinical examination; or~~

(c) ~~have passed:~~ Part II – Clinical Elective Pharmacology Examination; and

~~(i) the single integrated NPLEX Part I - Biomedical Science Examination;~~

~~(ii) the single integrated NPLEX Part II - Core Clinical Science Examination; and~~

~~(iii) the minor surgery NPLEX clinical examination.~~

(d) Part II – Clinical Minor Surgery Examination.

~~(3) A minimum converted score of 75 is required to pass the Part I - Biomedical Science Examination. A minimum converted score of 75 is required to pass the Part II - Core Clinical Science Examination. A minimum converted score of~~

~~75 is required to pass the minor surgery examination. A minimum converted score of 75 is required to pass the homeopathy examination. The converted score is a scaled score and not a percentage. The board will accept the compensatory scoring model for the eight individual clinical science NPLEX examinations under (2)(a)(ii) provided all eight examinations were taken prior to August 1, 2007.~~

~~(4) Applicants shall contact NABNE for NPLEX test dates and locations. NABNE may be contacted at 9220 SW Barbur Blvd., Suite 119, #321, Portland, OR 97219-5434, (503) 778-7990, or via the Internet at www.nabne.org.~~

~~(5)~~ (3) An applicant seeking licensure under this rule based upon a licensure examination other than the NPLEX ~~shall submit proof satisfactory to the board of the applicant's score on the examination, the score deemed passing by the examination's developer, and the examination's acceptance by a licensing authority in any other state or territory of the United States, the District of Columbia, or a foreign country. Upon receipt, the board will determine whether to prescribe or endorse the proffered examination pursuant to its authority under 37-26-201 and 37-26-402, MCA, based upon the examination's substantial equivalency to the NPLEX examination~~ examinations listed in (2) may apply to the board for acceptance of a substantially equivalent examination.

AUTH: 37-1-131, 37-26-201, MCA
IMP: 37-1-131, 37-26-402, 37-26-403, MCA

REASON: With the expanded prescribing authority granted to NDs by 2023's SB 100, the board determined it is reasonably necessary to update the examination requirements to include a specific examination in pharmacology for new applicants. The board is also amending this rule to update and reflect the exams NABNE currently offers, and repeal outdated exams.

Further, the board is repealing unnecessary requirements in the application process, such as letters of reference, and updating processes for submitting transcripts and reporting examination scores. Good moral character is shown through the applicant's responses to the application questions, and transcript and exam submission requirements are addressed in streamlined and standardized application procedures for all licensing boards and programs. It is unnecessary to specify in board rule the exact steps to vetting application requirements.

24.111.503 LICENSING OF APPLICANTS BY ENDORSEMENT (1) A license to practice as a naturopathic physician in the state of Montana may be issued without examination to an applicant who:

(a) ~~who~~ has submitted a completed application and correct fee; and

~~(b) who graduated and holds a degree/diploma from an approved naturopathic medical college that prepares candidates for licensure as a naturopathic physician, provided that such program, at the time of the candidate's graduation, is equivalent to or exceeds the minimum naturopathic medical educational standards required by the board's laws and rules;~~

~~(c)~~ (b) ~~who~~ holds a current unencumbered license to practice as a naturopathic physician in another state or jurisdiction~~;~~ whose laws and rules are substantially equivalent to Montana's. Applicants from another jurisdiction who have

not passed the Naturopathic Physician Licensing Examination (NPLEX) Part II – Clinical Elective Pharmacology Examination will be required to do so prior to licensure.

~~(d) who is of good moral character as evidenced by three letters of reference at least one of which must be from a licensed naturopathic physician; and~~

~~(e) who has passed a naturopathic physician licensure examination in another state or jurisdiction meeting or exceeding the requirements of ARM 24.111.502(2) and (3) or (5).~~

~~(2) It is the applicant's responsibility to cause the licensing authority of the state or jurisdiction from which the applicant is endorsing to send official verification of licensure directly to the board.~~

~~(3) It is the applicant's responsibility to cause the naturopathic medical college that conferred the applicant's N.D. or N.M.D. degree to send an official transcript of the applicant's naturopathic medical education directly to the board.~~

~~(4) It is the applicant's responsibility to cause verification of passing scores on the NPLEX or other licensing examination used to qualify for initial licensure in another state or jurisdiction, to be reported directly to the board by the official score reporting service utilized by the examination owner.~~

AUTH: 37-1-131, 37-26-201, MCA
IMP: 37-1-131, 37-1-304, MCA

REASON: The board is amending this rule on licensure by endorsement following the passage of SB 100, which allows for expanded prescribing by naturopathic physicians. In enacting the legislation, the Legislature requested the board consider requiring specific pharmacology education for licensees new to practicing in Montana. The board is therefore amending this rule to require applicants licensed in other jurisdictions to successfully pass the pharmacology portion of the NPLEX if the applicant has not previously done so.

Further, the board is repealing unnecessary requirements in the application process, such as letters of reference, and updating processes for license verification, transcript submission, and reporting examination scores. Good moral character is shown through the applicant's responses to the application questions. Application requirements are determined for all licensing boards and programs through streamlined and standardized application procedures. It is unnecessary to specify in board rule the exact steps to vetting application requirements.

24.111.511 NATUROPATHIC PHYSICIAN ~~NATURAL SUBSTANCE~~ FORMULARY LIST (1) Except as provided in (2), naturopathic physicians may prescribe ~~and~~, administer, ~~for preventive and therapeutic purposes the drugs listed in this natural substance formulary list as provided for in 37-26-301, MCA.~~ and dispense pursuant to 37-2-104, MCA:

(a) all legend drugs;

(b) with a DEA registration, all drugs in Schedules II-V as listed at 50-32-224, 50-32-226, 50-32-229, and 50-32-232, MCA, and ARM 24.174.1412;

(c) all biological substances including extracts and/or their products and residues;

(d) topical preparations;
(e) vitamins, minerals, trace minerals, enzymes, and food;
(f) homeopathic preparations;
(g) laboratory and diagnostic procedures;
(h) all amino acids and amino acid combinations;
(i) barrier contraceptives;
(j) all botanical extracts and their derivatives;
(k) electrolytes and fluid replacement;
(l) expectorants and mucolytics;
(m) hormones;
(n) liver preparations; and
(o) childbirth preparations.

(2) Naturopathic physicians may not prescribe ~~and administer all amino acids and amino acid combinations. The following are examples~~:

(a) ~~alanine~~ general anesthetics;
(b) ~~arginine~~ mifepristone and misoprostol as an abortifacient;
(c) ~~aspartic acid;~~ barbiturates, except:
(i) phenobarbital;
(ii) butalbital; and
(iii) primidone;
(d) ~~cystine;~~ systemic oncology agents, except antineoplastic agents, in oral and topical form only:
(i) 5fu;
(ii) anastrozole;
(iii) letrozole;
(iv) mechlorethamine;
(v) megestrol;
(vi) mercaptopurine;
(vii) methotrexate;
(viii) tamoxifen; and
(ix) tretinoin; and
(e) ~~glutamic acid;~~ ketamine.
~~(f) glycine;~~
~~(g) histidine;~~
~~(h) hydroxyproline;~~
~~(i) isoleucine;~~
~~(j) leucine;~~
~~(k) levocarnitine;~~
~~(l) lysine;~~
~~(m) methionine;~~
~~(n) N-acetyl cysteine;~~
~~(o) phenylalanine;~~
~~(p) proline;~~
~~(q) serine;~~
~~(r) threonine;~~
~~(s) tryptophan; and~~
~~(t) valine.~~

~~(3) Naturopathic physicians may prescribe and administer antimicrobials. Naturally derived examples are:~~

~~(a) antifungal agents:~~

~~(i) fluconazole;~~

~~(ii) gentian violet;~~

~~(iii) griseofulvin;~~

~~(iv) itraconazole;~~

~~(v) ketoconazole for topical use;~~

~~(vi) metronidazole;~~

~~(vii) nystatin; and~~

~~(viii) terninafine;~~

~~(b) cephalosporin derivatives:~~

~~(i) cefaclor;~~

~~(ii) cefadroxil;~~

~~(iii) cefdinir;~~

~~(iv) cefixime;~~

~~(v) cefpodoxime;~~

~~(vi) cefprozil;~~

~~(vii) ceftibuten;~~

~~(viii) ceftriaxone;~~

~~(ix) cephradine; and~~

~~(x) loracarbef;~~

~~(c) erythromycin and its salts:~~

~~(i) azithromycin;~~

~~(ii) clarithromycin; and~~

~~(iii) nitromide;~~

~~(d) penicillins:~~

~~(i) amoxicillin;~~

~~(ii) amoxicillin clavulanate;~~

~~(iii) ampicillin;~~

~~(iv) cloxacillin;~~

~~(v) dicloxacillin;~~

~~(vi) penicillin G; and~~

~~(vii) penicillin VK;~~

~~(e) tetracyclines:~~

~~(i) doxycycline;~~

~~(ii) minocycline; and~~

~~(iii) oxytetracycline;~~

~~(f) nitrofuran derivatives:~~

~~(i) nitrofurantoin;~~

~~(g) sulfonamide derivatives:~~

~~(i) sulfamethoxazole; and~~

~~(ii) trimethoprim/sulfamethoxazole;~~

~~(h) quinolones:~~

~~(i) ciprofloxacin; and~~

~~(ii) levaquin.~~

~~(4) Naturopathic physicians may prescribe and administer barrier contraceptives.~~

~~(5) Naturopathic physicians may prescribe and administer all botanical extracts and their derivatives -- prescription and nonprescription substances -- as exemplified in traditional botanical and herbal pharmacopeia. These are to be used at accepted therapeutic dosages, which means a dose which by its actions on organs does not impair function or destroy human life. The following are examples:~~

~~(a) belladonna;~~

~~(i) atropine, atropine sulfate;~~

~~(b) carnivora;~~

~~(c) cineraria maritima;~~

~~(d) codeine salts;~~

~~(e) colchicine;~~

~~(f) ephedra:~~

~~(i) ephedrine; and~~

~~(ii) pseudoephedrine;~~

~~(g) ergot:~~

~~(i) ergonovine;~~

~~(ii) ergotamine tartrate; and~~

~~(iii) methylergonovine;~~

~~(h) glycerrhiza (licorice);~~

~~(i) hydrocodone;~~

~~(j) hyoscamus:~~

~~(i) hyoscyamine sulfate;~~

~~(ii) hyoscyamine; and~~

~~(iii) scopolamine;~~

~~(k) morphine;~~

~~(l) nicotine preparations;~~

~~(m) oxycodone;~~

~~(n) paregoric;~~

~~(o) pilocarpine;~~

~~(i) physostigmine;~~

~~(p) quinine;~~

~~(q) rauwolfia serpentina;~~

~~(r) salicylate salts;~~

~~(s) sarapin;~~

~~(t) theophylline;~~

~~(u) thiosinimum;~~

~~(v) tramadol;~~

~~(w) viscum album:~~

~~(i) iscador; and~~

~~(ii) iscucin; and~~

~~(x) yohimbine HCL.~~

~~(6) Naturopathic physicians may prescribe and administer electrolytes and fluid replacement. The following are examples:~~

~~(a) dextrose solutions;~~

~~(b) lactated Ringer's solution;~~

~~(c) Ringer's solution;~~
~~(d) saline solutions; and~~
~~(e) sterile water for injection.~~
~~(7) Naturopathic physicians may prescribe and administer expectorants and mucolytics. The following are examples:~~
~~(a) acetyl cysteine;~~
~~(b) guaiacol;~~
~~(c) iodinated glycerol; and~~
~~(d) potassium iodide.~~
~~(8) Naturopathic physicians may prescribe and administer enzyme, digestive, and proteolytic preparations. The following are examples:~~
~~(a) amylase;~~
~~(b) chymotrypsin;~~
~~(c) hyaluronidase;~~
~~(d) lipase;~~
~~(e) pancreatin;~~
~~(f) pancrelipase;~~
~~(g) papain;~~
~~(h) secretin; and~~
~~(i) trypsin.~~
~~(9) Naturopathic physicians may prescribe and administer homeopathic preparations - all prescription and nonprescription remedies.~~
~~(10) Naturopathic physicians may prescribe and administer hormones. The following are examples:~~
~~(a) adrenal:~~
~~(i) adrenal cortical extract;~~
~~(ii) cortisol;~~
~~(iii) cortisone;~~
~~(iv) DHEA;~~
~~(v) epinephrine;~~
~~(vi) pregnenolone; and~~
~~(vii) prednisone;~~
~~(b) calcitonin;~~
~~(c) glucogon;~~
~~(d) gonadal:~~
~~(i) estrogens:~~
~~(A) conjugated estrogens;~~
~~(B) estradiol;~~
~~(C) estriol;~~
~~(D) estrone;~~
~~(E) estropipate;~~
~~(F) ethynyl estradiol;~~
~~(G) mestranol; and~~
~~(H) quinestrol;~~
~~(ii) progesterones:~~
~~(A) medroxyprogesterone acetate;~~
~~(B) norenthindrone and salts;~~

~~(C) progesterones; and~~
~~(D) progestogens; and~~
~~(iii) testosterone and its salts;~~
~~(e) insulin;~~
~~(f) pituitary hormones:~~
~~(i) ACTH;~~
~~(g) thymus; and~~
~~(h) thyroid USP:~~
~~(i) levothyroxine; and~~
~~(ii) liothyronine;~~
~~(i) thyroglobulin USP.~~

~~(11) Naturopathic physicians may prescribe and administer liver preparations. The following is an example:~~

~~(a) trinsicon.~~

~~(12) Naturopathic physicians may prescribe and administer all prescription and nonprescription minerals, trace metals and their derivatives. The following are examples:~~

~~(a) boron;~~
~~(b) calcium compounds;~~
~~(c) calciumedetate sodium;~~
~~(d) copper compounds;~~
~~(e) fluoride compounds;~~
~~(f) iodine:~~
~~(i) potassium iodide; and~~
~~(ii) niacinamide hydroiodide;~~
~~(g) iron salts;~~
~~(h) magnesium compounds;~~
~~(i) potassium compounds;~~
~~(j) silver nitrate; and~~
~~(k) trace mineral compounds:~~
~~(i) chromium;~~
~~(ii) selenium;~~
~~(iii) molybdenum;~~
~~(iv) vanadium; and~~
~~(v) zinc compounds.~~

~~(13) Naturopathic physicians may prescribe and dispense the following miscellaneous drugs:~~

~~(a) albuterol;~~
~~(b) anticoagulants:~~
~~(i) heparin; and~~
~~(ii) warfarin;~~
~~(c) bile salts and acids:~~
~~(i) chenodiol;~~
~~(ii) cholic acid;~~
~~(iii) chenodeoxycholic acid;~~
~~(iv) dehydrocholic acid;~~
~~(v) ursodeoxycholic acid; and~~

~~(vi) ursodiol;~~
~~(d) biological agents:~~
~~(i) urea; and~~
~~(ii) bee venom;~~
~~(e) botox cosmetic;~~
~~(f) digestive aids:~~
~~(i) betaine HCL; and~~
~~(ii) glutamic HCL agents;~~
~~(g) DMSO, DMSA, DMPS;~~
~~(h) juvederm;~~
~~(i) lisinopril;~~
~~(j) metformin;~~
~~(k) misoprostol;~~
~~(l) oxygen;~~
~~(m) pyridium and pyridium plus;~~
~~(n) salicylic acid; and~~
~~(o) vaccines.~~

~~(14) Naturopathic physicians may prescribe and administer vitamins, including all prescription and nonprescription vitamin preparations and their derivatives. The following are examples:~~

~~(a) ascorbic acid (vitamin C);~~
~~(b) biotin;~~
~~(c) cyanocobalamin (vitamin B_{12}):~~
~~(i) hydroxocobalamin, including intrinsic factor;~~
~~(d) folic acid;~~
~~(e) niacin (vitamin B_3);~~
~~(f) pantothenic acid (vitamin B_5):~~
~~(i) dexpanthenol;~~
~~(g) phosphatidylcholine;~~
~~(h) pyridoxine (vitamin B_6);~~
~~(i) riboflavin (vitamin B_2);~~
~~(j) thiamin (vitamin B_1);~~
~~(k) vitamin A:~~
~~(i) betacarotene and derivatives;~~
~~(l) vitamin D:~~
~~(i) calcitrol;~~
~~(ii) cacifediol;~~
~~(iii) dovonex; and~~
~~(iv) ergocalciferol;~~
~~(m) vitamin E; and~~
~~(n) vitamin K:~~
~~(i) menadiol.~~

~~(15) Naturopathic physicians may prescribe and administer childbirth preparations. The following are examples:~~

~~(a) methergine;~~
~~(b) pitocin - IM injection;~~
~~(c) Rh immune globulin; and~~

~~(d) triple dye.~~

~~(16) Naturopathic physicians may prescribe and administer topical medicines. The following are examples:~~

~~(a) debridement/escharotic agents:~~

~~(i) podophyllum resin;~~

~~(ii) podofilox 0.5 percent solution;~~

~~(iii) urea cream 40 percent; and~~

~~(iv) trichloralacitate (TCA);~~

~~(b) miscellaneous topical agents:~~

~~(i) selenium sulfide; and~~

~~(ii) hydrocortisone;~~

~~(c) salicylic acid;~~

~~(d) scabicides and pediculoses - lindane, permethrin or whichever agent is the current recommended treatment for these infections;~~

~~(e) topical antibiotics:~~

~~(i) silver sulfadiazine cream; and~~

~~(ii) mupirocin;~~

~~(f) topical and local anesthetics:~~

~~(i) ethyl chloride spray;~~

~~(ii) fluro-ethyl spray;~~

~~(iii) fluro-methane spray;~~

~~(iv) lidocaine HCL; and~~

~~(v) procaine HCL.~~

~~(17)~~ (3) The licensed pharmacist member of the formulary committee formed pursuant to 37-26-301, MCA, shall serve on the committee for a four-year term unless the pharmacist resigns, or is replaced by vote of the board.

AUTH: 37-1-131, 37-26-201, MCA
IMP: 37-1-131, 37-26-301, MCA

REASON: Senate Bill 100 removed the requirement that a substance be of a natural origin in order to be prescribed by a naturopathic physician. The board is amending this formulary rule to implement the legislative changes. Further, the board is amending the rule to provide the drugs naturopathic physicians may not prescribe, rather than the current extensive laundry list of the many therapies within an ND's scope of practice. The board concluded this format will reduce confusion among licensees, pharmacists, and the public as to the appropriate therapies for an ND to prescribe.

24.111.610 HIGH RISK PREGNANCY: CONDITIONS REQUIRING PRIMARY CARE BY A PHYSICIAN (1) If the following conditions are present, the licensed direct-entry midwife shall not accept the woman as a client:

(a) and (a)(i) remain the same.

(ii) diabetes mellitus ~~(Class II or greater)~~ requiring medication;

(iii) through (viii) remain the same.

(ix) active: tuberculosis, syphilis, gonorrhea, ~~strep B,~~ hepatitis, AIDS, genital herpes at onset of labor;

(x) through (c) remain the same.

AUTH: 37-27-105, MCA
IMP: 37-27-105, MCA

REASON: The board is amending (1)(a)(ii) to correct an error in referring to diabetes mellitus as having classes, and instead clarify that diabetes mellitus requiring medication indicates a high risk pregnancy.

The board is amending (1)(a)(ix) to implement HB 392 by reflecting that direct-entry midwives with a medication endorsement can now treat patients with streptococcus B.

24.111.611 CONDITIONS WHICH REQUIRE PHYSICIAN CONSULTATION OR TRANSFER OF CARE (1) If the following conditions are present in a client, the direct-entry midwife shall attempt to consult a physician and/or transfer care to a physician. A certified nurse midwife or licensed direct-entry midwife shall also be consulted if appropriate attempts to consult a physician have been unsuccessful. Documentation of the condition, recommendation (including continuation of care by the licensed direct-entry midwife, if appropriate) and treatment must be maintained in the client records. Conditions include, but are not limited to the following:

(a) through (b)(viii) remain the same.

(ix) uncontrolled maternal hemorrhage ~~uncontrolled by IM Pitocin~~;

(x) through (c) remain the same.

AUTH: 37-27-105, MCA
IMP: 37-27-105, MCA

REASON: The board is amending (1)(b)(ix) to implement HB 392 by reflecting that direct-entry midwives with a medication endorsement can now use medications other than intramuscular Pitocin to treat postpartum hemorrhage.

24.111.2301 UNPROFESSIONAL CONDUCT (1) The board defines unprofessional conduct for naturopathy and midwifery as follows:

(a) through (f) remain the same.

(g) practicing ~~naturopathy or midwifery~~ while the license is suspended, revoked, or expired;

(h) through (l) remain the same.

(m) failure by a midwife to maintain current and valid certifications in adult and infant cardiopulmonary resuscitation as provided by 37-27-201, MCA~~.~~;

(n) prescribing a scheduled drug without a current DEA registration.

AUTH: 37-1-131, 37-1-319, 37-26-201, 37-27-105, MCA
IMP: 37-1-141, 37-1-316, 37-1-319, 37-26-201, 37-27-105, MCA

REASON: The board is amending (1)(g) so the provision applies to all licensees under the board's jurisdiction. The board is adding (1)(n) to align with amendments

to the formulary rule, ARM 24.111.511, that provide that naturopathic physicians prescribing controlled substances must be DEA registered.

6. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., July 21, 2023.

7. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

8. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on May 1, 2023, by electronic mail.

10. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

11. Department staff has been designated to preside over and conduct this hearing.

ALTERNATIVE HEALTH CARE BOARD
ALISUN BONVILLE, ND, CHAIR

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 13, 2023.

BEFORE THE BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.159.670, 24.159.1468, and 24.159.1469 and the repeal of ARM 24.159.2101, 24.159.2102, 24.159.2104, and 24.159.2106 pertaining to continuing education	))))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT AND REPEAL

TO: All Concerned Persons

1. On July 21, 2023, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, https://mt-gov.zoom.us/j/83044151431
Meeting ID: 830 4415 1431, Passcode: 246655
-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 830 4415 1431, Passcode: 246655

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on July 14, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.159.670 CURRICULUM GOALS AND GENERAL REQUIREMENTS FOR PROGRAMS (1) through (5) remain the same.

(6) For each ~~course~~ program utilizing simulation, no more than 50 percent of clinical hours shall be replaced with simulation hours. Upon request by a program, the board may temporarily allow all programs to exceed the 50 percent cap on simulation due to extenuating circumstances such as a state or national emergency.

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, MCA

REASON: The board has previously defined simulation in 2019 in ARM 24.159.301, required faculty training in simulation best practices in ARM 24.159.655, and capped the amount of simulation to no more than 50 percent of clinical hours per course in

this rule. When the pandemic hit and students were not allowed into clinical facilities, the board amended this rule to allow programs to exceed the 50 percent cap due to extenuating circumstances and also implemented a waiver that allowed all programs to exceed the 50 percent cap through June 30, 2022.

Because prelicensure programs in Montana continue to report intermittent difficulties with specialty clinical access, especially in areas of pediatrics and obstetrics, the board is amending this rule to allow programs the flexibility to address clinical access shortages over the duration of the program rather than by course. This change will allow nursing students to complete their educational requirements and will make Montana's requirements consistent with the evidence-based National Council of State Boards of Nursing Model Rules for Simulation. Additionally, since the board has not seen an increase in competency-related complaints since the implementation of the 2020 waiver, especially among new graduates and in the areas of obstetrics and pediatrics, the board does not anticipate a risk to public safety from these changes.

24.159.1468 PRESCRIPTIVE AUTHORITY RENEWAL (1) remains the same.

(2) To renew prescriptive authority, the APRN shall submit~~:~~

~~(a)~~ a completed prescriptive authority renewal application and a nonrefundable fee~~;~~.

~~(b) affirmation of a minimum of 12 contact hours of accredited education in pharmacology, pharmacotherapeutics, and/or clinical management of drug therapy completed during the two years immediately preceding the effective date of the prescriptive authority renewal period; and~~

~~(c) these contact hours can be used to satisfy 12 of the required 24 contact hours to renew the APRN license.~~

(3) remains the same.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

REASON: In 2019, stakeholders asked the Board of Nursing (board) to consider expanding options for continuing education (CE). The board formed a task force to review this request in 2020, and due to the waiver of CE requirements for 2020 and 2021, put the discussion on hold to address more pressing pandemic related issues. The board has not seen an increase in complaints related to incompetent practice since the board began reviewing CE options.

Because the board's professional conduct rule requires nurses to be technically competent, nurses should be able to choose educational offerings that support their professional development without specific board-prescribed requirements. The board determined it is reasonably necessary to amend this rule and ARM 24.159.1469, and repeal ARM 24.159.2101, 24.159.2102, 24.159.2104, and 24.159.2106 to lessen CE requirements for maintaining licensure while still ensuring competent practice and maintaining the public's protection. These changes also support the Governor's Red Tape Relief initiative by reducing unnecessarily burdensome regulations.

24.159.1469 APRN COMPETENCE DEVELOPMENT (1) The APRN is expected to engage in ongoing competence development. Competence development is the method by which an APRN gains, maintains, or refines practice, knowledge, skills, and abilities. This development can occur through formal education programs, continuing education, or clinical practice and is expected to continue throughout the APRN's career. Documentation of competence development activities should be retained by the APRN for a minimum of five years and must be made available to the board upon request. The APRN must:

(a) remains the same.

~~(b) complete 24 contact hours of continuing education during each two-year license renewal period as stated in ARM Title 24, subchapter 21, Renewals and Continuing Education; and~~

~~(i) At renewal, APRN licensees licensed less than two full years shall complete one contact hour per month licensed.~~

~~(ii) For the APRN who holds prescriptive authority, half of the contact hours must be in pharmacotherapeutics, where no more than two of these contact hours may concern the study of herbal or complementary therapies.~~

(c) remains the same but is renumbered (b).

AUTH: 37-1-131, 37-1-319, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, 37-8-409, MCA

4. The rules proposed to be repealed are as follows:

24.159.2101 STANDARDS FOR CONTINUING EDUCATION

AUTH: 37-1-131, 37-1-319, 37-8-202, MCA
IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.159.2102 BIENNIAL CONTINUING EDUCATION REQUIREMENTS

AUTH: 37-1-131, 37-1-319, MCA
IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.159.2104 NONACCREDITED ACTIVITIES

AUTH: 37-1-131, 37-1-319, 37-8-202, MCA
IMP: 37-1-131, 37-1-306, 37-1-319, MCA

24.159.2106 AUDITING OF CONTACT HOURS

AUTH: 37-1-131, 37-1-319, MCA
IMP: 37-1-131, 37-1-306, 37-1-319, 37-1-321, MCA

5. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules

or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., July 21, 2023.

6. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

7. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

10. Department staff has been designated to preside over and conduct this hearing.

BOARD OF NURSING
SARAH SPANGLER, RN, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 13, 2023.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the repeal of an emergency rule closing the Truly Bridge Fishing Access Site in Cascade County	))))	NOTICE OF REPEAL OF EMERGENCY RULE

TO: All Concerned Persons

1. On May 5, 2023, the Department of Fish, Wildlife and Parks (department) adopted an emergency rule closing the Truly Bridge Fishing Access Site, in Cascade County, to all public occupation and recreation in Notice No. 12-599, published at page 477 of the 2023 Montana Administrative Register, Issue Number 10. The emergency rule was adopted because the Smith River had experienced extensive flooding. The Truly Bridge Fishing Access Site is located along the Smith River and had also experienced flooding which created dangerous conditions.

2. The rule was to be in place until the department determined that the Truly Bridge Fishing Access Site was again safe for occupation and recreation. Given that the Smith River has receded and that the Truly Bridge Fishing Access Site no longer poses a danger to the public, the department is repealing NEW RULE I TRULY BRIDGE FISHING ACCESS SITE EMERGENCY CLOSURE.

3. The repeal of NEW RULE I is effective June 2, 2023, when this rule notice is filed with the Secretary of State.

4. The repeal of the emergency rule will be sent as a press release to newspapers throughout the state and posted on the department's website at fwp.mt.gov. Moreover, signs informing the public of the closure will be removed at access points.

5. The special notice requirement of 2-4-303, MCA, has been met. All committee members of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov), were contacted by email on June 2, 2023. Lastly, the emergency rule repeal notice will be sent to interested parties and published in Issue Number 12 of the 2023 Montana Administrative Register.

/s/ Dustin Temple
Dustin Temple
Acting Director
Department of Fish, Wildlife and Parks

/s/ Alexander Scolavino
Alexander Scolavino
Rule Reviewer

Certified to the Secretary of State June 2, 2023.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the repeal of an emergency rule closing the Alder Bridge Fishing Access Site on the Ruby River in Madison County	))))	NOTICE OF REPEAL OF EMERGENCY RULE

TO: All Concerned Persons

1. On June 1, 2023, the Department of Fish, Wildlife and Parks (department) adopted an emergency rule closing the Alder Bridge Fishing Access Site, in Madison County, to all public occupation and recreation in Notice No. 12-602, published at page 520 of the 2023 Montana Administrative Register, Issue Number 11. The emergency rule was adopted because the Ruby River had experienced extensive flooding. The Alder Bridge Fishing Access Site is located along the Ruby River and had also experienced flooding which created dangerous conditions.

2. The rule was to be in place until the department determined that the Alder Bridge Fishing Access Site was again safe for occupation and recreation. Given that the Ruby River has receded and that the Alder Bridge Fishing Access Site no longer poses a danger to the public, the department is repealing RULE I ALDER BRIDGE FISHING ACCESS SITE EMERGENCY CLOSURE.

3. The repeal of RULE I is effective June 5, 2023, when this rule notice is filed with the Secretary of State.

4. The repeal of the emergency rule will be sent as a press release to newspapers throughout the state and posted on the department's website at fwp.mt.gov. Moreover, signs informing the public of the closure will be removed at access points.

5. The special notice requirement of 2-4-303, MCA, has been met. All committee members of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov), were contacted by email on June 5, 2023. Lastly, the emergency rule repeal notice will be sent to interested parties and published in Issue Number 12 of the 2023 Montana Administrative Register.

/s/ Mike Volesky
Mike Volesky
Chief of Operations
Department of Fish, Wildlife and Parks

/s/ Alexander Scolavino
Alexander Scolavino
Rule Reviewer

Certified to the Secretary of State June 5, 2023.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 18.8.1502, 18.8.1503, and 18.8.1505 pertaining to Motor Carrier Services Safety Requirements	))))	NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On April 28, 2023, the Department of Transportation published MAR Notice No. 18-190 pertaining to the proposed amendment of the above-stated rules at page 389 of the 2023 Montana Administrative Register, Issue Number 8.

2. The department has amended the above-stated rules as proposed.

3. No comments or testimony were received.

/s/ Valerie A. Balukas
Valerie A. Balukas
Rule Reviewer

/s/ Malcolm D. Long
Malcolm D. Long
Director
Department of Transportation

Certified to the Secretary of State June 13, 2023.

BEFORE THE DEPARTMENT OF JUSTICE
AND THE BOARD OF CRIME CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 23.14.102, 23.14.208, 23.14.209, 23.14.210, 23.14.308, 23.14.309, 23.14.310, 23.14.311, 23.14.312, 23.14.313, 23.14.609, 23.14.610, and 23.14.615, and the repeal of ARM 23.14.1010, 23.14.1011, 23.14.1012, 23.14.1013, 23.14.1014, 23.14.1015, 23.14.1016, 23.14.1017, and 23.14.1018 pertaining to the Board of Crime Control	)))))))))))))	NOTICE OF AMENDMENT AND REPEAL

TO: All Concerned Persons

1. On April 28, 2023, the Department of Justice published MAR Notice No. 23-14-271 pertaining to the proposed amendment and repeal of the above-stated rules at page 392 of the 2023 Montana Administrative Register, Issue Number 8.

2. The department has amended and repealed the above-stated rules as proposed.

3. No comments or testimony were received.

/s/ DAVID ORTLEY
David Ortley
Deputy Attorney General
Rule Reviewer

/s/ AUSTIN KNUDSEN
Austin Knudsen
Attorney General
Department of Justice

Certified to the Secretary of State June 13, 2023.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.22.327, 24.22.331, and 24.22.335 pertaining to incumbent worker training	))))	NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On March 24, 2023, the Department of Labor and Industry (department) published MAR Notice No. 24-22-400 regarding the public hearing on the proposed changes to the above-stated rules, at page 223 of the 2023 Montana Administrative Register, Issue No. 6.

2. On April 13, 2023, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

3. The agency has thoroughly considered the comments received. A summary of the comments and the agency responses are as follows:

COMMENT 1: A commenter objected to the provision of ARM 24.22.335(1)(a) which does not begin employer size breakdown or permit applications from employers larger than 50 until October 1, 2023.

RESPONSE 1: House Bill 41 (HB 41) specifies employer size distribution for incumbent worker training (IWT) awards. It further permits applications from employers larger than 50. The bill did not specify an effective date. As a result, the effective date is October 1. 1-2-201, MCA. As a result, the department is unable to adopt rules pertaining to the provisions of HB 41 which take effect prior to October 1.

COMMENT 2: A commenter objected to ARM 24.22.335(1)(a) to the extent it specifies funding assigned to the IWT program will not carry forward across fiscal years. The commenter believes this to be inconsistent with HB 41 at Section 3(2)(b).

RESPONSE 2: The department disagrees with the comment. The cited subsection requires money to be carried forward across quarters to be distributed among other-sized employers. The bill does not require carry forward of funding across fiscal years. Moreover, there is no statutory appropriation for the IWT program. The department allocates money to the program based upon available funding. Because there is not an appropriation, the department is not permitted to retain money for the program across fiscal years. In a subsequent fiscal year, the department will assign new money to the program so that grants may be awarded. Moreover, the department does not expect to have allocated funding left at the end of a fiscal year.

For example, in fiscal year 2023, all money assigned had been awarded by April of 2023.

COMMENT 3: A commenter noted that he did not object to the requirement that training be live, as required by ARM 24.22.327(6).

RESPONSE 3: The comment is noted.

4. The department additionally received comment from the bill sponsor. First, the sponsor objected on the same basis as Comment 1. The department's response is the same.

Second, the sponsor expressed concern regarding the requirement that training include "direct, live access to the trainer," and that multiple applications from a single employer might be deferred. No substantive changes were proposed with regard to these subjects in the rulemaking. As such, though noted, the comments are outside the scope of the rulemaking. They may be considered for future rulemaking. In short, these rules have been in place for multiple years and ensure that training meets the purpose of the program. Additionally, permitting deferral of multiple applications from a single employer ensures that one employer is not able to receive the totality of available funding to the program. This is in keeping with the purpose of the IWT grant as set forth at 53-2-1215, MCA.

Third, the sponsor expressed concern that ARM 24.22.335(7) limited grant availability to workers working more than 35 hours per week. This is outside the scope of the present rulemaking. Section (7) in whole simply notes a distinction in the amount of available grant funding for those working 20 to 34 hours and those working 35 or more hours.

Finally, it must be noted that none of the sponsor's concerns were addressed in HB 41. As such, the rule changes proposed by the sponsor do not follow from the bill. The department will consider the changes for its rulemaking for IWT for fiscal year 2025.

5. The agency has amended ARM 24.22.327, 24.22.331, and 24.22.335 as proposed, effective July 1, 2023.

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 13, 2023.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the transfer of ARM Title 37, chapter 107, subchapter 3 pertaining to the Montana Marijuana Regulation and Taxation Act (Title 16, chapter 12, MCA), and marijuana testing laboratory licensees	))))))	NOTICE OF TRANSFER

TO: All Concerned Persons

1. The Department of Public Health and Human Services transfers the above-stated rules to the Department of Revenue, ARM Title 42, chapter 39, subchapter 6.

2. This transfer is required because House Bill 128 enacted by the 2023 Montana Legislature transferred statutory authority and operations of the state testing laboratory from the Department of Public Health and Human Services to the Department of Revenue. This transfer also includes, but is not limited to, regulatory authority over marijuana testing laboratory licensees in the state.

3. The transferred rules are assigned the following numbers under the Department of Revenue:

OLD	NEW	
37.107.303	42.39.601	DEFINITIONS
37.107.302	42.39.602	TESTING LABORATORY GENERAL REQUIREMENTS
37.107.301	42.39.603	TESTING LABORATORY ENDORSEMENT REQUIREMENTS
37.107.307	42.39.604	TESTING LABORATORY QUALITY ASSURANCE PROGRAM
37.107.311	42.39.607	TESTING LABORATORY REQUIRED PROFICIENCY TESTING
37.107.313	42.39.608	TESTING LABORATORY SATISFACTORY AND UNSATISFACTORY PROFICIENCY TEST PERFORMANCE
37.107.309	42.39.609	TESTING LABORATORY QUALITY CONTROL
37.107.310	42.39.610	QUALITY ASSURANCE SAMPLING PROTOCOL
37.107.315	42.39.613	TESTING LABORATORY FAILED LABORATORY TEST SAMPLES
37.107.316	42.39.614	TESTING LABORATORY QUALITY ASSURANCE TESTING REQUIREMENTS
37.107.304	42.39.617	SUSPENSION OF TESTING LABORATORIES

4. The transfer of the above-described rules shall be effective July 2, 2023.

/s/ Todd Olson	/s/ Brendan Beatty
Todd Olson	Brendan Beatty
Rule Reviewer	Director of Revenue

Certified to the Secretary of State June 13, 2023.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEES

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee

- Department of Agriculture
- Department of Commerce
- Department of Labor and Industry
- Department of Livestock
- Office of the State Auditor (Commissioner of Securities and Insurance)
- Office of Economic Development
- Division of Banking and Financial Institutions
- Alcoholic Beverage Control Division
- Cannabis Control Division

Education Interim Committee

- State Board of Education
- Board of Public Education
- Board of Regents of Higher Education
- Office of Public Instruction
- Montana Historical Society
- Montana State Library

Children, Families, Health, and Human Services Interim Committee

- Department of Public Health and Human Services

Law and Justice Interim Committee

- Department of Corrections
- Department of Justice

Energy and Telecommunications Interim Committee

- Department of Public Service Regulation

Revenue Interim Committee

- Department of Revenue
- Montana Tax Appeal Board

State Administration and Veterans' Affairs Interim Committee

- Department of Administration
- Montana Public Employee Retirement Administration
- Board of Investments
- Department of Military Affairs
- Office of the Secretary of State
- Office of the Commissioner of Political Practices

Transportation Interim Committee

- Department of Transportation
- Motor Vehicle Division (Department of Justice)

Environmental Quality Council

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources and Conservation

Water Policy Interim Committee (where the primary concern is the quality or quantity of water)

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources and Conservation

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

Use of the Administrative Rules of Montana (ARM):

Known Subject

1. Consult ARM Topical Index.
   Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2023. This table includes notices in which those rules adopted during the period December 23, 2022, through June 9, 2023, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2023, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2023 Montana Administrative Register.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

ADMINISTRATION, Department of, Title 2

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2-43-634 Amendment by Reference of the State of Montana Public Employee Deferred Compensation (457) Plan Document and Trust Agreement, p. 165, 401

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4-22-276 Wheat and Barley Assessment and Refunds, p. 1786, 11

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6-275 Approved Risk List, p. 317, 476
6-276 Fire Premium Allocation - Presumptively Reasonable Allocations, p. 460

COMMERCE, Department of, Title 8

8-94-201 Administration of the Montana Coal Endowment Program (MCEP) - Emergency Grants - Planning Grants, p. 370
8-111-200 Public Participation - Incorporation of Model Rules - Meetings of the Board - Definitions, p. 200, 402

(Board of Investments)
8-97-101 Board of Investments Rules, p. 1212, 12

EDUCATION, Title 10

(Board of Public Education)
10-55-290 Standards of Accreditation, p. 1966, 255, 403
10-58-272 Professional Educator Preparation Program Standards, p. 1376, 86

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12-592 Public Access Land Agreements, p. 2230, 4, 211
12-594 Closing the Ennis Fishing Access Site on the Madison River in Madison County, p. 13
12-595 Closing the York's Islands Fishing Access Site on the Missouri River in Broadwater County, p. 15
12-596 Closing the Bjornberg Bridge Fishing Access Site in Phillips County, p. 405, 449
12-597 Closing the Alkali Creek Fishing Access Site in Phillips County, p. 407, 450
12-598 Closing the Cree Crossing Wildlife Management Area on the Milk River in Phillips County, p. 409, 451
12-599 Closing the Truly Bridge Fishing Access Site in Cascade County, p. 477
12-601 Partial Closure of the Jefferson River From the Williams Bridge Fishing Access Site to the Meridian Bridge in Jefferson County, p. 518
12-602 Closing the Alder Bridge Fishing Access Site on the Ruby River in Madison County, p. 520

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12-591 Classification of Caracal Cat as a Controlled Species, p. 2064, 210

ENVIRONMENTAL QUALITY, Department of, Title 17

17-421 Review of Storm Water Designs- Individual and Shared Onsite Wastewater Systems - Well Locations, p. 2278, 324
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TRANSPORTATION, Department of, Title 18

18-190 Motor Carrier Services Safety Requirements, p. 389
18-191 Alternative Project Delivery Methods, p. 503
18-193 Fuel Tax Bridge and Road Safety and Accountability Program, p. 463
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CORRECTIONS, Department of, Title 20

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23-3-268 Alcohol Analysis, p. 206, 411
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23-4-267 Drug and/or Alcohol Analysis, p. 168, 413
23-12-266 Fire Safety, Fireworks - International Fire Code - Additional Definitions, p. 57, 212

(Public Safety Officers Standards and Training Council)

23-13-269 Certification of Public Safety Officers, p. 174, 479

(Board of Crime Control)

23-14-270 Board of Crime Control, p. 298
23-14-271 Board of Crime Control, p. 392

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department notices.

24-17-397 Prevailing Wages, p. 2006, 17
24-22-400 Incumbent Worker Training, p. 223
24-22-401 Workforce Innovation and Opportunity Act Montana State Plan Youth ITA Waiver Request, p. 154
24-22-402 Workforce Innovation and Opportunity Act Montana State Plan OSY Waiver Request, p. 155
24-23-404 Job Growth Incentive Tax Credit, p. 511
24-29-399 Workers' Compensation Medical Fee Schedule, p. 319, 522
24-29-403 Utilization and Treatment Guidelines - Drug Formulary for Workers' Compensation Purposes, p. 398, 523
24-101-398 Organizational, Procedural, and Public Participation Rules, p. 2331, 300

(Board of Nursing)

24-159-94 Informational Notice of Proposed Rulemaking - Proposed 2023 Rulemaking by the Interstate Commission of Nurse Licensure Compact Administrators, p. 483

(Board of Outfitters)
24-171-42 Board of Outfitters, p. 2345, 71, 354

LIVESTOCK, Department of, Title 32

32-22-333 Time From Processing That Fluid Milk May Be Sold for Public Consumption, p. 145, 358
32-23-336 Department of Livestock Meat Inspection and Milk and Egg Bureau Fees, p. 226, 452
32-22-337 Brands and Earmarks, p. 147, 359

(Board of Milk Control)
32-23-334 Milk Control Assessments, p. 73, 213

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-217 Bitterroot Valley Sanitary Landfill Controlled Groundwater Area, p. 514

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-970 Healthy Montana Kids Evidence of Coverage, p. 2235, 178
37-982 Public Swimming Pools, p. 2239, 179
37-1006 Low Income Home Energy Assistance Program (LIHEAP), p. 228, 480
37-1011 Food Distribution Program on Indian Reservations, p. 245, 481
37-1013 Montana Tumor Registry, p. 76, 304
37-1015 Laboratories That Conduct Analyses of Public Water Supplies, p. 79, 305
37-1016 Premarital Blood Testing, p. 2256, 180
37-1018 Updating Medicaid and Non-Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 2202, 84, 181
37-1023 Updating Medicaid and Non-Medicaid Provider Rates, Fee Schedules, and Effective Dates, p. 252, 482
37-1024 Medicaid Coverage of Abortion Services, p. 2353, 414
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PUBLIC SERVICE REGULATION, Department of, Title 38

38-2-258 Interventions, p. 2259, 150, 362
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42-1062 Updates of the Montana Reappraisal Plan and Classification and Valuation Manuals, p. 2174, 43

42-1064 Revisions to Railroad Income Apportionment Factors, p. 2182, 45

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44-2-264 Business Services Annual Report Filing Fee Waiver in 2024, p. 9, 525

(Office of the Commissioner of Political Practices)
44-2-263 Payment Threshold–Inflation Adjustment for Lobbyists, p. 2264, 185

EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of executive branch appointees and upcoming vacancies on those boards and councils.

In this issue, appointments effective in May 2023 appear. Potential vacancies from July 1, 2023 through July 31, 2023, are also listed.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of June 1, 2023.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

EXECUTIVE BRANCH APPOINTEES FOR MAY 2023

Appointee	Appointed By	Succeeds	Appointment/End Date
Commission on Community Service			
Ms. Dawn English	Governor	New	5/22/2023
Butte			7/1/2026
Qualifications (if required): National Service Program Representative			

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Advisory Council on Aging		
Mr. Robert C. Meyers, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2023
Ms. Peggy Lynne Tombre, Bozeman Qualifications (if required): Public Representative	Governor	7/1/2023
Mr. Ryan Clark, Billings Qualifications (if required): Public Representative	Governor	7/1/2023
Mr. James (Curly) Burns, Helena Qualifications (if required): Public Representative	Governor	7/1/2023
Board of Funeral Service		
Mr. Steve A. Schnider, Great Falls Qualifications (if required): Licensed Mortician	Governor	7/1/2023
Board of Hearing Aid Dispensers		
Mr. Dennis Gene Scoggins Sr., Lima Qualifications (if required): Public Member	Governor	7/1/2023
Board of Nursing		
Ms. Sarah M. Spangler, Havre Qualifications (if required): Registered Nurse	Governor	7/1/2023

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Board of Nursing Cont.		
Ms. Lisa Stricker, Billings	Governor	7/1/2023
Qualifications (if required): Advanced Practice Registered Nurse		
Board of Pharmacy		
Mrs. Courtney Bahny, Helena	Governor	7/1/2023
Qualifications (if required): Registered Pharmacy Technician		
Ms. Charmell M. Owens, Missoula	Governor	7/1/2023
Qualifications (if required): Member from the general public		
Board of Physical Therapy Examiners		
Mrs. Holly Patricia Claussen, Missoula	Governor	7/1/2023
Qualifications (if required): Licensed Physical Therapist		
Board of Professional Engineers and Professional Land Surveyors		
Ms. Deborah Poteet, Missoula	Governor	7/1/2023
Qualifications (if required): Representative of the public		
Dr. Mohammad Ruhul Amin, Bozeman	Governor	7/1/2023
Qualifications (if required): Professional Engineer (Mechanical)		
Mr. Raymond L. Gross Jr., Dillon	Governor	7/1/2023
Qualifications (if required): Professional and practicing land surveyor		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Board of Professional Engineers and Professional Land Surveyors Cont.		
Mr. Thomas D. Pankratz, Clancy Qualifications (if required): Professional Engineer (Electrical)	Governor	7/1/2023
Mr. Roger A. Wagner, Nashua Qualifications (if required): Representative of the public	Governor	7/1/2023
Board of Radiologic Technologists		
Ms. Lora Wier, Choteau Qualifications (if required): member of public	Governor	7/1/2023
Mr. Nathan David Richardson, Kalispell Qualifications (if required): Licensed radiologic technologist	Governor	7/1/2023
Dr. Sarah Stilwill, Bozeman Qualifications (if required): Licensed Radiologist	Governor	7/1/2023
Mrs. Kelli Rae Cummings-Hollow, Butte Qualifications (if required): Licensed Radiologic Technologist	Governor	7/1/2023
Board of Regents of Higher Education		
Mr. Norris Blossom, Bozeman Qualifications (if required): Student Regent	Governor	7/1/2023

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Board of Sanitarians		
Mrs. Tracy Nielsen, Billings	Governor	7/1/2023
Qualifications (if required): Member from the public		
Mr. Clayton Scott Vincent, Havre	Governor	7/1/2023
Qualifications (if required): Registered Sanitarian		
Mr. Eugene A. Pizzini, East Helena	Governor	7/1/2023
Qualifications (if required): Member from the public		
Mr. Matt Strozewski, Boulder	Governor	7/1/2023
Qualifications (if required): Public		
Commission on Community Service		
Ms. Pamela J. Carbonari, Kalispell	Governor	7/1/2023
Qualifications (if required): Representative of a nonprofit that works with senior citizens		
Mr. Doug Mitchell, Bigfork	Governor	7/1/2023
Qualifications (if required): Public member		
Ms. Karen Lazetich Moses, Billings	Governor	7/1/2023
Qualifications (if required): Public member		
Mr. Eric Strauss, Helena	Governor	7/1/2023
Qualifications (if required): State Agency		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Committee on Telecommunications Access Services for Persons With Disabilities		
Mr. Drew Arnot, Missoula	Governor	7/1/2023
Qualifications (if required): Independent Service Provider		
Dr. Lisa Claire Cannon, Clancy	Governor	7/1/2023
Qualifications (if required): Licensed Audiologist		
Ms. Barbara Varnum, Polson	Governor	7/1/2023
Qualifications (if required): Person without a disability, senior citizen		
Mr. Cameron C. Tulloch, Bozeman	Governor	7/1/2023
Qualifications (if required): Disability Community (Deaf or Hard-of-Hearing)		
Criminal Justice Oversight Council		
Ms. Georgette Boggio, Billings	Governor	7/31/2023
Qualifications (if required): Member of tribe with expertise in criminal justice		
James Patelis, Billings	Governor	7/31/2023
Qualifications (if required): Member of the Board of Pardons and Parole		
Ms. Melissa Kelly, Butte	Governor	7/31/2023
Qualifications (if required): Representative of community corrections providers/prerelease center		
Ms. Amy Tenney, Helena	Governor	7/31/2023
Qualifications (if required): Representative of community corrections providers/prerelease center		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Criminal Justice Oversight Council Cont.		
Ms. Rhonda Lindquist, Helena	Governor	7/31/2023
Qualifications (if required): Office of Public Defender representative		
Mr. Keegan Medrano, Missoula	Governor	7/31/2023
Qualifications (if required): Representative of civil rights advocates-ACLU		
Ms. Rachel Guernsey, Great Falls	Governor	7/31/2023
Qualifications (if required): Representative of crime victims		
Family Education Savings Program Oversight Committee		
Mr. Brian Otterstrom, Helena	Governor	7/1/2023
Qualifications (if required): Member of general public		
Governor's Advisory Council on Aging		
Mr. James E. (Curly) Burns, Helena	Governor	7/1/2023
Qualifications (if required): Public Representative		
Ground Water Assessment Steering Committee		
Mr. Mark S. Thompson, Butte	Governor	7/1/2023
Qualifications (if required): Representative of industrial water users		
Mr. Walter Sales Jr., Manhattan	Governor	7/1/2023
Qualifications (if required): Representative of agricultural water users		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Historical Society Board of Trustees		
Mr. Edwin Jasmin, Helena Qualifications (if required): Public Representative	Governor	7/1/2023
Mr. Thomas Minckler, Billings Qualifications (if required): Public Representative	Governor	7/1/2023
Dr. Douglas MacDonald, Missoula Qualifications (if required): Archaeologist	Governor	7/1/2023
Housing Task Force Advisory Council		
Director Amanda Kaster, Helena Qualifications (if required): Director of DNRC	Governor	7/1/2023
Mr. Scott Osterman, Helena Qualifications (if required): Director of DOC	Governor	7/1/2023
Mr. Patrick Barkey, Missoula Qualifications (if required): Director of Bureau of Business and Economic Research	Governor	7/1/2023
Hon. Ellie Boldman, Missoula Qualifications (if required): State Senator	Governor	7/1/2023
Terry Brockie, Hays Qualifications (if required): CEO of Island Mountain Development Group	Governor	7/1/2023

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Housing Task Force Advisory Council Cont.		
Mr. Ross Butcher, Lewistown	Governor	7/1/2023
Qualifications (if required): Commissioner of Fergus County		
Mr. Kendall Cotton, Helena	Governor	7/1/2023
Qualifications (if required): President and CEO of Frontier Institute		
Mr. Nathan Dugan, Whitefish	Governor	7/1/2023
Qualifications (if required): President and Co-founder of Shelter WF		
Mr. Mark Egge, Bozeman	Governor	7/1/2023
Qualifications (if required): Former member of Bozeman Planning Board		
Ms. Laurie Esau, Helena	Governor	7/1/2023
Qualifications (if required): Commissioner of the Department of Labor and Industry		
Ms. Jaclyn Giop, Butte	Governor	7/1/2023
Qualifications (if required): President of Montana Water Well Drillers Association		
Mr. Eugene Graf, Bozeman	Governor	7/1/2023
Qualifications (if required): Owner of EG Construction		
Ms. Emily Hamilton, Arlington, VA	Governor	7/1/2023
Qualifications (if required): Senior Research Fellow and Director of Urbanity Project, Mercatus Center		
Mr. Adam Hertz, Missoula	Governor	7/1/2023
Qualifications (if required): Secretary of Montana Board of Housing		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Housing Task Force Advisory Council Cont.		
Hon. Greg Hertz, Polson	Governor	7/1/2023
Qualifications (if required): State Senator		
Mr. Bob Kelly, Great Falls	Governor	7/1/2023
Qualifications (if required): Mayor of Great Falls		
Mr. Jacob Kuntz, Helena	Governor	7/1/2023
Qualifications (if required): Helena Area Habitat for Humanity		
Mr. Bill Leininger, Bigfork	Governor	7/1/2023
Qualifications (if required): President of Montana Association of Realtors		
Mr. Todd O'Hair, Helena	Governor	7/1/2023
Qualifications (if required): President and CEO of Montana Chamber of Commerce		
Ms. Nicole Rolf, Miles City	Governor	7/1/2023
Qualifications (if required): Senior Director of Governmental Affairs for Montana Farm Bureau Federation		
Mr. Mike Smith, Kalispell	Governor	7/1/2023
Qualifications (if required): Market President of Glacier Bank		
Ms. Valerie Stacey, Helena	Governor	7/1/2023
Qualifications (if required): Environmental Health Specialist with Lewis and Clark County		
Mr. Don Sterhan, Billings	Governor	7/1/2023
Qualifications (if required): Steering Committee Member of MT House Coalition; Pres and CEO Mtn Plains Equity Group		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Housing Task Force Advisory Council Cont.		
Hon. Danny Tenenbaum, Missoula	Governor	7/1/2023
Qualifications (if required): State Representative		
Hon. Sue Vinton, Billings	Governor	7/1/2023
Qualifications (if required): State Representative		
Judicial Standards Commission		
Ms. Jennifer L. Eck, Helena	Governor	7/1/2023
Qualifications (if required): Citizen who is not an attorney or judge of any court		
Montana Agriculture Development Council		
Mr. Lars Wesley Hanson, Edgar	Governor	7/1/2023
Qualifications (if required): Actively engaged in agriculture		
Mr. George Kipp III, Heart Butte	Governor	7/1/2023
Qualifications (if required): Actively engaged in agriculture		
Mrs. Megan Hedges, Chester	Governor	7/1/2023
Qualifications (if required): Actively engaged in agriculture		
Motorcycle Safety Advisory Committee		
Mrs. Lori Ann Balcer, Shepherd	Governor	7/1/2023
Qualifications (if required): Motorcycle rider representing motorcycle riding groups		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Motorcycle Safety Advisory Committee Cont.		
Mr. Rex Svoboda, Frenchtown	Governor	7/1/2023
Qualifications (if required): Motorcycle rider representing motorcycle groups		
Petroleum Tank Release Compensation Board		
Ms. Heather Marie Smith, Bozeman	Governor	7/1/2023
Qualifications (if required): Representative of financial industry; experience in small business or property loans		
Mr. Edward A. Thamke, Helena	Governor	7/1/2023
Qualifications (if required): Background in environmental regulation		
Private Land Public Wildlife Advisory Committee		
Ms. Donna McDonald, Alder	Governor	7/31/2023
Qualifications (if required): Landowner		
Mr. M. Lee Cornwell, Glasgow	Governor	7/31/2023
Qualifications (if required): Landowner		
Mr. Edward Albert Beall, Helena	Governor	7/31/2023
Qualifications (if required): Sportsperson		
Ms. Tierani Brusett, Billings	Governor	7/31/2023
Qualifications (if required): Sportsperson		
Mr. Paul Ellis, Bozeman	Governor	7/31/2023
Qualifications (if required): Outfitter		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
Private Land Public Wildlife Advisory Council		
Ms. Cynthia Cohan, Butte	Governor	7/31/2023
Qualifications (if required): Sportsperson		
State Banking Board		
Mr. Thomas R. Swenson, Missoula	Governor	7/1/2023
Qualifications (if required): Active Officer in State Bank of Montana		
Mr. Tony Ennenga, Bozeman	Governor	7/1/2023
Qualifications (if required): Member of the public		
State Electrical Board		
Mr. John Michael Gordon, Butte	Governor	7/1/2023
Qualifications (if required): Licensed Electrician		
State-Tribal Economic Development Commission		
Chairman Len Twoteeth, Pablo	Governor	7/1/2023
Qualifications (if required): Alternate for the Confederated Salish and Kootenai Tribes		
Ms. Shelly Fyant, Pablo	Governor	7/1/2023
Qualifications (if required): Representative of the Confederated Salish and Kootenai Tribes		
Mr. Richard Sangrey, Box Elder	Governor	7/1/2023
Qualifications (if required): Representative of the Chippewa Cree Tribe		

EXECUTIVE BRANCH VACANCIES – JULY 1, 2023 THROUGH JULY 31, 2023

Board/Current Position Holder	Appointed By	Term End
State-Tribal Economic Development Commission Cont.		
Councilman Martin Charlo, Pablo	Governor	7/1/2023
Qualifications (if required): Alternate for the Confederated Salish and Kootenai Tribes		
Tourism Advisory Council		
Mr. Jeffrey Ewelt, Billings	Governor	7/1/2023
Qualifications (if required): Southeast Montana Region Representative		
Mr. Christopher Dantic, Glendive	Governor	7/1/2023
Qualifications (if required): Southeast Montana Region Representative		
Ms. Nicolle Jean Fugere, Fort Benton	Governor	7/1/2023
Qualifications (if required): Central Montana Region Representative		
Ms. Glenniss Indreland, Bozeman	Governor	7/1/2023
Qualifications (if required): Yellowstone Country Region Representative		
Mr. Lane Spotted Elk, Lame Deer	Governor	7/1/2023
Qualifications (if required): Member from Indian Tribal Government		
Mr. Stephen C. Wahrlich, Billings	Governor	7/1/2023
Qualifications (if required): Southeast Montana Region Representative		
Underground Facility Protection Advisory Council		
Mr. Douglas Hardy, Great Falls	Governor	7/1/2023
Qualifications (if required): Member representing a rural electric cooperative operating in Montana		

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Board/Current Position Holder	Appointed By	Term End
Underground Facility Protection Advisory Council Cont.		
Mr. Aaron John Arthur, Miles City	Governor	7/1/2023
Qualifications (if required): Member representing a telecommunications provider		
Mr. Keith Wayne Meagor, Butte	Governor	7/1/2023
Qualifications (if required): Member representing a public utility		
Mr. Theron C. Pavlik, Manhattan	Governor	7/1/2023
Qualifications (if required): Member representing excavators		
Ms. Michelle Lea Slyder, Laurel	Governor	7/1/2023
Qualifications (if required): Member who represents owners or operators of an underground facility		
Western Interstate Commission on Higher Education		
Ms. Sheila Stearns, Missoula	Governor	7/1/2023
Qualifications (if required): Member engaged in a professional occupation		

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SECRETARY OF STATE

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